Agenda Item: 12-16 Request for Approval of Local Programs Implementing the Jordan Lake New Development Stormwater Rule, and Delegation of Further Approval Authority to the Director (Action) (Jason Robinson)

Explanation:

The Jordan New Development stormwater rule, 15A NCAC 2B .0265, requires thirty-three local governments to prepare, adopt, and implement programs to achieve nutrient control on runoff from new development within their respective jurisdictions. In March 2011, the EMC approved a model local program developed by staff with input from stakeholders. The Jordan communities submitted proposed programs for DWQ staff review in September 2011 and have made subsequent revisions based on staff comments. Staff requests that the Commission approve thirty-two of these local programs as meeting the minimum requirements established in Item (3) of the rule, and disapprove Pittsboro's program. If disapproved, Pittsboro will have two months to resubmit a program for staff's review, and staff will provide recommendations to the Commission within two months of that submission. Therefore, Pittsboro's program should come before the Commission again at their September meeting.

Staff also requests permission for the Director to approve any subsequent program amendments that these approved communities may propose from time to time. The Director would forward unique future program revisions of concern to the Water Quality Committee for review.

As specified in their ordinances, local programs will begin implementing the new development requirements immediately following ordinance adoption, with adoption dates scheduled during August 2012.

Recommendation:

That the Commission approve the thirty-two Jordan Lake local government new development stormwater programs. That the Commission disapprove Pittsboro's program and require it be brought back before the Commission for approval. That the Commission delegate authority to the Director to approve any subsequent minor program amendments that the approved communities may propose in the future. That the Commission delegate authority to the Water Quality Committee to approve significant program alterations that are proposed in the future.